IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION No. 1218 (M/S) OF 2001
Old No. 11712/2000

Pratap Singh (S.C.) Son of Sangat Singh
Resident of Mohammadpur, Post Gurukul
Narsan, District Hardwar. ……Petitioner

Versus

1. State of U.P.
2. Executive Engineer
   Ganga Canal Muzaffarnagar
   Division Muzaffarnagar …….Respondents

12.04.2006

Sri Manish Arora, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Manish Arora, Learned Counsel for the petitioner and Learned Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 24.1.2000 passed by the respondent No.2.

Briefly stated the petitioner has obtained a small area of canal side land from the respondent no.2 the lease deed was executed in favour of the petitioner in the year 1995 for the period of five years. Government order was issued for granting lease for landless persons and the petitioner has claimed the lease deed vide government order dated 25.02.1974 which is less then 12 ½ acres and lease was granted from 01.4.1995 to 31.03.2000. According to the petitioner, he has deposited the land revenue regularly and has always followed the terms & conditions of the Lease Deed. Before the expiry of the period of lease deed, the petitioner has moved an application dated 28.10.1999 before the respondent no.2 for renewing the lease deed for the subsequent term of five years. A Certificate dated 24.02.2000 has been issued to the petitioner by the Tehsildar, Roorkee Distt: Hardwar that petitioner is landless. On 24.01.2000 the respondent No.2 directed the petitioner to evict from

the lease land. The petitioner has filed the writ petition before the Hon'ble Allahabad High Court and interim order was granted on 15.03.2000.

In view of the directions issued on 15.03.2000 by the Allahabad High Court, the respondents are directed to consider the renewal application of petitioner within a period of six weeks from the date of production of certified copy of this order. During this period, both the parties are directed to maintain the status quo.

Consequently, writ petition is disposed of.

(Rajesh Tandon, J.)

12.04.2006
Jain